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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,986	07/30/2001	Megumi Umezawa	33837	9742
116	7590	07/22/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			DAVIS, ZACHARY A	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,986

Applicant(s)

UMEZAWA ET AL.

Examiner

Zachary A. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. An amendment was received on 02 May 2005. Claims 1, 3, 4, and 6 have been amended. No claims have been added or canceled. Claims 1-6 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments filed 02 May 2005 have been fully considered but they are not persuasive.

In reference to the rejections of Claims 1-4 and 6 under 35 U.S.C. 102(b) as being anticipated by Miller et al, US Patent 5061923, and specifically in reference to independent Claim 1, Applicant argues that Miller does not disclose all limitations of the claims. Specifically, Applicant argues that Miller does not teach that the dial unit gives the user a click feel per unit rotation, and that the cited portion of Miller instead discloses a dial operated by rotary movement which generates signal pulses. However, the Examiner believes that generation of signal pulses by rotation of the dial does not preclude the dial also giving a click feel to the user. The Examiner notes that the rotary encoders disclosed in Applicant's specification operate in the same manner (page 7, lines 2-10 of the present specification, describing the rotary encoders). The Examiner additionally notes that Miller discloses a "traditional rotary dial" (column 2, lines 23-26), and the Examiner further believes that a traditional rotary dial used in a traditional

combination lock encompasses dials that provide either smooth rotation or an incremental click feel to the user.

Further in reference to Claim 1, Applicant argues that Miller does not teach a dial unit for inputting alphanumeric characters, and instead discloses a dial unit inputting numeric characters and not alphanumeric characters. However, the Examiner notes that a numeric character is, by definition, also an alphanumeric character. The Examiner additionally notes that the exemplary embodiment described at page 9, lines 1-4 of the present specification discloses using numerals 0-9.

In reference to the rejection of Claim 5 under 35 U.S.C. 103(a) as being unpatentable over Miller, Applicant argues that it would not have been obvious to modify Miller as suggested in the previous Office action by including a cancel, delete, or backspace function as is well known in the art. Applicant further argues that the purpose of a combination lock is that if the user inputs the incorrect sequence, the user is not permitted to backspace and correct, and that the user must start the sequence again. The Examiner notes that the claimed limitation "an input cancellation unit for canceling input operation while inputting the digits of the identification information" is not limited to cancellation of a single digit, as Applicant suggests by reference to backspacing and correcting; the claimed limitation encompasses canceling an entire input operation and restarting the input sequence, which Applicant admits is well known as operation for a lock.

Therefore, for the reasons detailed above, the Examiner maintains the rejection as set forth below.

Claim Rejections - 35 USC § 112

3. The rejection of Claims 3 and 6 under 35 U.S.C. 112, second paragraph, as being indefinite is withdrawn in light of the amendments to the claims. However, the amendment is not sufficient to overcome the rejection of Claim 4 under 35 U.S.C. 112, second paragraph.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the confirmation unit confirms alphanumeric characters input via the dial when the rotation direction of the dial unit is reversed by the user and alternately changes the rotation direction of the dial unit and sequentially inputs each digit of the identification information". This is generally unclear. It still appears that the subject of the phrases beginning "alternately changes" and "sequentially inputs" is the "confirmation unit"; however, the specification implies that a user would change the rotation direction of the dial unit and input the digits. This contradiction renders the claim indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al, US Patent 5061923.

In reference to Claim 1, Miller discloses an input apparatus including a dial unit for inputting alphanumeric characters via rotating operation and generating an electric signal, where the characters are assigned in proportion to rotation angle of the dial and where the dial gives the user a click feel per unit rotation (Figure 3, Dial 12; column 2, lines 22-26; column 4, lines 33-37); a unit for confirming characters input by the dial unit; a unit for converting the electric signal into the characters (Figure 3, Microprocessor 16 and Stepper Motor/Generator 14; column 4, lines 33-37); and a unit for authenticating the characters by checking if they match the appropriate characters of the identification information (column 4, line 59-column 5, line 4).

In reference to Claim 2, Miller further discloses specifying a procedure for converting the signal to characters and performing the conversion in accordance with the procedure (column 4, lines 35-37 and 59-62; column 5, lines 31-53).

In reference to Claims 3 and 4, Miller further discloses confirming characters when the dial is rotated in the reverse direction, specifically that the direction of rotation

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is reversed after each input character (see column 1, lines 51-55, where the dial is similar in operation to traditional prior art combination locks, which operate in such a manner; see also column 5, lines 18-30, specifically describing directional arrows A₁ and A₂).

In reference to Claim 6, Miller further discloses a display unit (Figure 3, Display Unit 35).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller.

Miller discloses everything as applied above to Claim 1. Although Miller does not explicitly disclose an input cancellation unit, official notice is taken that it is well known in the art to include some sort of cancel, delete, or backspace key or functionality. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an input cancellation unit, in order to allow the operator to correct an error made in inputting the characters.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZAD
zad

Matthew Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
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